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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORLANDO MINO HERNANDEZ,  
*individually and on behalf of others similarly  
situated*, OSMEL RUBEN SOSA NAJERA,  
*individually and on behalf of others similarly  
situated*, RAFAEL BASURTO GOMEZ,  
*individually and on behalf of others similarly  
situated*, JOSE LUIS MENDEZ, *individually  
and on behalf of others similarly situated*,  
MIGUEL MIRANDA, *individually and on  
behalf of others similarly situated*, ROSALIO  
PEREZ, *individually and on behalf of others  
similarly situated*, and ANGEL GEOVANI  
RAMOS,

Plaintiffs,

v.

LIRA OF NEW YORK INC., *doing business  
as Luke's Bar & Grill*, LUIGI MILITELO,  
TOMMY TIN, JONATHAN MATEOS, and  
LUIGI LUSARDI,

Defendants.

No. 20-CV-4457 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

The parties have notified the Court that mediation was unsuccessful. By separate order, this case will be referred to Magistrate Judge Lehrburger for general pretrial. It is hereby:

ORDERED that, to conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, that the parties must discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before Judge Lehrburger. If both parties consent to proceed before Judge Lehrburger, they must, **within two weeks of the date of this Order**, submit to the Court a fully executed Notice, Consent, and Reference of a Civil

Action to a Magistrate Judge form, a copy of which is attached to this Order (and also available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>). If the Court approves that form, all further proceedings will then be conducted before Judge Lehrburger rather than before this Court. Any appeal would be taken directly to the United States Court of Appeals for the Second Circuit, as it would be from this Court if the consent form were not signed and so ordered. An information sheet on proceedings before magistrate judges is also attached to this Order.

If any party does not consent to conducting all further proceedings before the Magistrate Judge, the parties must file a joint letter, **within two weeks of the date of this Order**, advising the Court that the parties do not consent, **but without disclosing the identity of the party or parties who do not consent**. No adverse consequences will result from the withholding of that consent.

The parties are reminded that, in most cases, settlements of claims under the FLSA must be approved by the Court. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

SO ORDERED.

Dated: February 26, 2021  
New York, New York



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Ronnie Abrams  
United States District Judge

## UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff*

v.

\_\_\_\_\_  
*Defendant*)  
)  
)  
)  
)

Civil Action No. \_\_\_\_\_

**NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Printed names of parties and attorneys**Signatures of parties or attorneys**Dates*

_____	_____	_____
_____	_____	_____
_____	_____	_____

**Reference Order**

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*\_\_\_\_\_  
*Printed name and title*

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.